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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554 Federal Communications Commission
Office of Secretary

In the Matter of:)
)
Revision of Part 22 and Part 90) WT Docket No. 96-18
of the Commission's Rules to)
Facilitate Future Development)
of Paging Systems)
)
Implementation of Section 309(j)) PP Docket No. 93-253
of the Communications Act --)
Competitive Bidding)

To: The Commission

COMMENTS ON PETITIONS FOR RECONSIDERATION

Mobile Telecommunication Technologies Corp. ("Mtel")^{1/} and its wholly owned subsidiary, SkyTel Corporation (collectively, "Mtel"), by their attorneys and pursuant to Section 1.429(d) of the Commission's Rules, 47 C.F.R. Section 1.429(d), hereby submits its Comments on Petitions for Reconsideration in the referenced proceeding.^{2/}

By Mtel's count, at least 30 parties filed petitions for reconsideration in the referenced proceeding. Mtel's response

^{1/} Mtel and its subsidiaries, including SkyTel and Destineer Corp. ("Destineer"), are Commission licensees providing a wide range of high technology wireless communications services. SkyTel holds a Commercial Mobile Radio Service ("CMRS") network paging license and multiple non-network paging licenses operating over frequency 931.4375 MHz on a de facto nationwide basis. Destineer Corp. was awarded a Pioneer's Preference to operate an advanced nationwide wireless network in the narrowband Personal Communication Service ("PCS") and is currently the only nationwide narrowband PCS service provider.

^{2/} Second Report and Order and Further Notice of Proposed Rulemaking, in WT Docket No. 96-18 and PP Docket No. 93-253, 62 Fed. Reg. 11616, March 12, 1997 ("Order").

focuses on but a single issue addressed in them: The Commission's treatment of Mtel's request for nationwide status for its frequency 931.4375 MHz authorization.

In its Petition for Reconsideration ("Petition"), Mtel explained, inter alia, that the Commission's denial of its request for nationwide status on frequency 931.4375 MHz was inconsistent with treatment accorded other entities, and thus violated fundamental concepts of regulatory parity as well as the straightforward concept that similarly situated people should be treated in the same manner.^{3/}

By these comments, Mtel makes clear its position with respect to the appropriateness of the nationwide exclusivity granted to various 929 MHz licensees, including Nationwide 929.8875 LLC ("LLC") an entity jointly owned by Arch Communications Group ("Arch") and AirTouch Paging ("AirTouch"). Mtel does not view Commission grant of nationwide status to LLC as being in any way improper. Indeed, Mtel views them as being both appropriate and in the public interest. Mtel's reference to that and other nationwide authorizations was simply to illustrate the criteria that the Commission applied in other instances, and to explain that straightforward application of the same criteria would warrant grant of the Mtel request.^{4/} As Mtel explained in its Petition,

^{3/} See Mtel Petition at 16-18.

^{4/} See, e.g., Melody Music, Inc. v. FCC, 345 F.2d 730, 732 (D.C. Cir. 1965), where Chief Judge Bazelon chastised the FCC for treating two similarly-situated parties completely
(continued...)

there are numerous other independent basis supporting grant. See Petition at 5-15, and 18-20.

Respectfully submitted,

MOBILE TELECOMMUNICATION
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^{4/}(...continued)

differently, especially when both "were considered by the Commission at virtually the same time", and where he warned the FCC that "[W]hatever action the Commission takes on remand, it must explain its reasons ... [and] the relevance of those differences to the purposes of the Communications Act." While two distinct factual scenarios are virtually never identical, and here there are different frequencies at issue, most certainly there are no factual differences that could justify disparate treatment between Mtel and 929 MHz nationwide licensees.